

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNABELLE SUAREZ,

Plaintiff,

-against-

NEW YORK COUNTY DISTRICT
ATTORNEY’S OFFICE; NITIN SAVUR;
NICOLE ORTSMAN-DAUER; GEORGE
ARGYROS; INA CHEN,

Defendants.

22 Civ. 10855 (PGG)

ORDER OF SERVICE

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff brings this pro se action under the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§ 12112-12117, the New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297, and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101 to 131, alleging that her employer discriminated against her based on her disability. By order dated January 17, 2023, the Court granted Plaintiff’s request to proceed in forma pauperis (“IFP”), that is, without prepayment of fees.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants the New York County District Attorney’s Office, Nitin Savur, Nicole Ortsman-Dauer, George Argyros, and Ina Chen through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to issue summonses, complete the USM-285 forms with the addresses for the New York County District Attorney’s Office, Nitin Savur, Nicole

Ortsman-Dauer, George Argyros, and Ina Chen, and deliver all documents necessary to effect service to the U.S. Marshals Service.

Dated: New York, New York
January 26, 2023

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first letter "P" is large and loops around the "G". The signature is positioned above a horizontal line.

Paul G. Gardephe
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. New York County District Attorney's Office
1 Hogan Place
New York, New York 10013
2. Nitin Savur
New York County District Attorney's Office
1 Hogan Place, Room 856
New York, New York 10013
3. Nicole Ortsman-Dauer
New York County District Attorney's Office
1 Hogan Place, Room 859
New York, New York 10013
4. George Argyros
New York County District Attorney's Office
40 Worth Street, Room SW927
New York, New York 10013
5. Ina Chen
New York County District Attorney's Office
40 Worth Street, Room SE901
New York, New York 10013